

DOCUMENT RESUME

ED 330 948

CG 023 291

AUTHOR Sheridan, Edward P.
TITLE When Conflict Becomes Crime: Prevention and Treatment for Domestic Violence.
PUB DATE Apr 91
NOTE 19p.; Paper presented at the Annual Convention of the American Association for Counseling and Development (Reno, NV, April 22-24, 1991).
PUB TYPE Reports - Descriptive (141) -- Guides - Non-Classroom Use (055) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Behavior Modification; Crime; *Educational Counseling; *Family Violence; Rehabilitation Counseling
IDENTIFIERS Arizona (Pima County)

ABSTRACT

Pima County's (Arizona) Domestic Violence Diversion Program (DVDP) provides assessment and monitoring services, counseling and education, and support services to defendants in cases of domestic violence in lieu of prosecution and sentencing. After a defendant is arrested for domestic violence, the DVDP assessment is scheduled within 72 hours of release, contingent upon the defendant calling for the appointment. A second assessment session is scheduled within 10 days of the initial session. Defendants are given a referral to a community service provider who schedules the screening interview. Treatment consists of several types of services based on an evaluation of all information obtained thus far. The DVDP utilizes a level system for monitoring defendants accepted into their program. Level I defendants receive minimal monitoring and 10 hours of educational service; Level II defendants receive 3 months of monitoring and 20 hours of counseling; Level III defendants receive 6 months of monitoring and a minimum 20 hours of counseling, and Level IV defendants receive one year of monitoring and have at least 20 hours of counseling. When Conflict Becomes a Crime (WCBC) is a program that is part of Level I monitoring. WCBC is structured to teach clients a continuum of cognitive-behavioral skills which eliminate abusive and violent behavior. The goal of the program is to help each participant to eliminate abusiveness and violence in the home. (Detailed information for group facilitators is included.) (BHK)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

ED330948

When Conflict Becomes

1

Edward P. Sheridan, M.A.

When Conflict Becomes Crime:
Prevention and Treatment for Domestic Violence
Counseling and Consulting Services

BEST COPY AVAILABLE

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

- ☒ This document has been reproduced as
received from the person or organization
originating it.
- ☐ Minor changes have been made to improve
reproduction quality.

- Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

Edward P. Sheridan

2

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

C6023291

Abstract

Between 1985 and 1990, there has been a 30% increase in the number of domestic violence arrests in Pima County, Arizona. Some of these arrests were both male and female offenders engaging in low level conflict. This paper will present an overview of the Pima County's Domestic Violence Diversion Program and a Level I community based treatment and prevention program.

Domestic violence is not always men perpetrating physical violence against women. Historically, however, men have been considered the responsible source of domestic violence and treatment has unilaterally been directed at them. Such treatment included, but was not limited to, arrest, incarceration, adjudication and separation from the spouse or live-in partner. Women involved in domestic violence have almost always been viewed as victims who needed shelter, protection, separation and termination of their relationship in order to end the violence. With more and more communities implementing mandatory arrest laws and policies for domestic violence, there are increasing numbers of arrests that, in addition to male offenders, include female perpetrators, teenage offenders, and mutual combatants (i.e., both partners being arrested, multiple sibling arrests, parent/teenage arrests.) With a wide range of criminal offenses that include misdemeanor and felony domestic violence charges, treatment approaches can no longer be neatly packaged into unilateral "perpetrator-victim" models. This paper will present one approach to treatment and prevention services for adult domestic violence defendants within the context of a comprehensive diversion program offered to the array of otherwise law-abiding citizens who suddenly find themselves handcuffed and in jail when conflict becomes crime.

When Conflict Becomes a Crime (WCBC) is a domestic violence education program which has evolved to address the needs of defendants who have been arrested for misdemeanor domestic violence. Men, women and teenagers are arrested everyday for behavior such as arguing in their own home, damaging their own property, and threatening those with whom they reside. One of the issues that many of these clients often raise is that they didn't know they could be arrested for yelling in their own home or breaking their own dishes. Many of them report that their friends and neighbors engage in worse kinds of behavior and have never been arrested. Most of these clients express a genuine need to ventilate and discharge feelings of frustration, hurt, disappointment and resentment before they can begin to understand the nature of the behavior that got them arrested. WCBC offers clients an informal atmosphere for learning how they can "be at their best when conflict is at its worst" (Harvey, 1990).

WCBC is one of many services offered to clients who are arrested for domestic violence and given the opportunity to participate in a diversion program in lieu of prosecution. In order to understand WCBC, one must first understand the concept of diversion and the important role it plays in one community's enforcement of a mandatory arrest policy for domestic violence offenses and the

treatment and prevention of violent and abusive behavior within families.

In 1989 with more than fifty domestic violence defendants per month, the Pima County Attorney in Tucson, Arizona embarked on an experimental criminal diversion approach in an attempt to change the patterns of violence and abuse experienced by defendants, victims, and family members involved in domestic violence situations. This approach was implemented with funding from the Pima County Board of Supervisors and coordinated efforts and support from law enforcement, prosecution and judicial components of the criminal justice system, and community based service providers. The Domestic Violence Diversion Program (DVDP) model provided assessment and monitoring services, counseling and education, and support services to defendants in lieu of prosecution and sentencing.

(DVDP) is one of many programs under the auspices of the Pima County Attorney's Adult Diversion Program, but is one that stands out as an effective component which continues to evolve in response to increasing numbers of domestic violence arrests. In Pima County, Arizona, the number of arrests being made and processed through either the justice courts or the superior courts has steadily increased over the past ten years. The combined court statistics for those showing for initial appearance after a domestic violence arrest

was one thousand four hundred thirty (1,430) in 1985. The number of arrests in 1990 was four thousand seven hundred thirty-five (4,735) (Hurley, 1990), a 30 percent increase over five years.

There have been mandatory arrest policies for domestic violence offenses in effect in Arizona since 1980, however, police did not always arrest, often using their discretion to mediate and neutralize domestic disputes (Medrano, 1987). Often this resulted in police being viewed as intruders, who became the targets of displaced anger and rage. It has been generally accepted that police intervention in domestic disputes and family violence poses greater risks for police officers than any other type of police duty. Family violence researchers report "more police officers die in answering family disturbance calls (22% of all police fatalities) than do answering any other simple type of call" (Straus, Gelles and Steinmentz, 1980). Other data challenging this report suggests that domestic disturbances account for only a small portion (1.5% to 5.4%) of all police deaths (Gardner and Clemer, 1986). What remains clear is that police are at risk for injury and death when responding to domestic disputes, which may be one reason for enforcing mandatory arrest policies. More importantly, police awareness of the prevalence and serious nature of domestic disputes is credited for an increase in the number of arrests. Arrests provide for a cooling down and separation period and have

decreased the arrest rates of repeat offenders (Medrano, 1984).

Once an arrest is made in Pima County, defendants are booked into jail for at least twenty-four hours, a police report filed and a pre-trial service interviewer makes contact with the defendant to explain the Domestic Violence Diversion Program (DVDP). Defendants then make an initial appearance before a judge who authorizes and sets forth conditions of release for participation in the DVDP, providing there is no record of a previous domestic violence offense.

Defendants are required to contact the DVDP office within twenty-four hours of release to set up their initial assessment appointment. Family members present during the initial appearance are also given a DVDP pamphlet explaining the program.

The DVDP assessment interview is scheduled within seventy-two hours of release, contingent upon the defendant calling for the appointment. A counselor from the DVDP will also contact the victim to determine whether he or she will participate in the defendant's assessment interview and to make other arrangements for information collection if there are safety or personal concerns prohibiting mutual participation. DVDP counselors follow a structured interview format in the assessment session which includes collection of data for the program's monitoring and evaluation functions, determination of the immediate risks for potential assaults to victim

and family members, and the development of a plan to manage risks and prevent future assaults. A contract is developed with the defendant specifying target behaviors, conditions and consequences for the period of time between the assessment interview and the County Attorney's final determination of whether or not the defendant is accepted into the DVDP.

A second assessment session is scheduled within ten days of the initial session at which time the assessment protocol and documentation of relevant data are completed. The counselor reviews results of initial assessment and recommendations regarding the defendant's participation in the DVDP, including preliminary negotiation of a contract with the defendant, including referral to a community based treatment program. The DVDP counselor summarizes the assessment and forwards recommendations for acceptance for the County Attorney's final approval of the defendant's diversion program participation. Final approval is held pending acceptance into a community based treatment program with a DVDP monitored service provider.

Defendants are given a referral to a community service provider who schedules a screening interview within seven working days. Coordination between the DVDP counselor and the community service provider is important in order to assure that appropriate

services are available and fees affordable. Information obtained during the DVDP counselors assessment is shared with the community service provider and includes such issues as family dynamics, conditions of release and conflict tactics in order to facilitate a comprehensive treatment approach.

Treatment consists of several types of services based on an evaluation of all information obtained during the assessment sessions and the screening interview. A differential intervention approach is used to refer defendants based on history of abusiveness and violent behavior and the willingness and appropriateness of family member involvement. Certain programs are designed specifically for offenders, while other programs allow for interpersonal participation of both offenders and victims. Female victims are also offered referral options for programs designed specifically for them, (i.e., shelter services, counseling services, etc.) Although the DVDP is a court sponsored program, all defendants are referred out to community based service providers for participation in a treatment program.

The DVDP utilizes a level system for monitoring defendants accepted into their program.

Level I defendants are those, who after assessment, require minimal monitoring and participation in an educational service component consisting of ten-hours of class time for treatment and

prevention of future domestic violence.

Level II defendants require three months of monitoring and participation in twenty hours of counseling for domestic violence.

Level III defendants are monitored for six months and must participate in at least twenty hours of counseling for domestic violence and participation in a substance abuse program.

Level IV defendants are monitored for one year and must participate in at least as much or more counseling as Level III. These defendants are usually those who are felony domestic violence cases which have negotiated plea bargains to misdemeanors.

When Conflict Becomes a Crime (WCBC) is a Level I Domestic Violence Education Program that is structured to teach clients a continuum of cognitive-behavioral skills which eliminate abusive and violent behavior. It is modeled after the Domestic Conflict Containment Program (DCCP) (Peter H. Neidig, 1985), an interpersonal approach emphasizing "that when violence occurs within the context of an ongoing relationship, the behavior of each individual within the relationship is contingent on the behavior of the other, and that the behavior of each can be thought of as both a cause and effect depending on how the interactional sequence is punctuated" (Neidig and Friedman, 1984). The DCCP is a ten week, twenty hour, group counseling approach for couples. It was developed as a diversion

program for active duty military members and their spouses involved in domestic violence. Clients and their spouses are given the option to participate in the DCCP in lieu of punitive actions by their military commanders.

The DCCP has been successfully used in civilian settings where couples participation is an appropriate means for meeting diversion requirements. As an option in the DVDP, it is a Level II treatment approach.

As a Level I treatment and prevention program, WCBC allows for a heterogeneous blend of male and female defendants and as many of their partners that are willing to attend. Group size varies, but averages twelve (12) participants, with as many as twenty (20) partners participating in a series. An educational approach permits a larger group membership, with a preferred range of a minimum of six (6) and a maximum of twenty (20) total participants. Classes meet weekly for two hour sessions for five (5) weeks. New members are allowed to join through the second session, after which the group is closed. A make-up session is provided for missed sessions. Since WCBC is in a private practice setting, the program is open to the public, so that some of the referrals are people who are engaging in significant levels of conflict, but have not been arrested. All participants pay the same fee for the program.

The goal of the program is to help each participant to eliminate abusiveness and violence in the home. They are taught that anger and conflict are normal, but abusiveness and violence are not and that if by the end of the program they still cannot live with their partners without being abusive and violent, then they need to consider the possibility of additional intervention and/or separation.

The first session begins with a warm-up and the introduction of each of the participants. Each participant is allowed to explain the circumstances which led to their referral to the program. This generally leads to some heated discussion about domestic violence laws, injustices about the arrest, and overall resistance to mandatory participation. The following statements are actual quotes from participants.

"It's not fair. I'm the one who called the police and I'm the one who got arrested."

"We were only having an argument, then the police show up and take us both to jail."

"I don't know who called the police; it was no big deal, just a small fight. Anyhow, the cop says, "Which one of you is going

to jail?" so I looked at her (the partner) and the kids and just raised my hand." "Off to jail I went."

The program stresses the importance of allowing each participant to vent their frustrations, discharge emotion and tell their story. The facilitator pays special attention to each person, commenting and encouraging group participation. Each story is different, yet all have a common core experience, and the facilitator directs a processing period after each has had their turn.

This sets the scene for a transition into the first content area; Issues and Attitudes. Each participant has a set of handouts outlining the topic, and discussion is generated using an eight (8) question survey, which can also be used as a pre-test. One by one the participants read the question and the four multiple choice answers. The facilitator then asks for answers and proceeds to teach from each question. For example, one important area addressed in the first session is the relationship of alcohol to domestic violence. The question asked is:

How does alcohol relate to spouse abuse?

- a. Alcohol causes spouse abuse.
- b. Spouse abuse causes alcohol abuse.
- c. They are separate issues.

d. They go hand in hand.

This question not only evokes some stimulating discussion, but also allows the facilitator an opportunity to outline program biases and limitations. The correct answer is c. they are separate issues. The facilitator explains that the focus of the program is domestic violence, not substance abuse. Although some authors cite a connection of alcohol abuse in at least two-thirds of battering cases (Deschner, 1984), the bias of this program is consistent with the Neidig model, which subscribes to both the learned behavior theory and the deviance disavowal theory (Neidig and Friedman, 1984). This approach not only narrows the focus, but sets the tone for each participant's acceptance of their role in the conflict for which they were arrested. The rest of the questions also are designed to stimulate discussion and educate the participants in the following areas:

Acceptance of personal responsibility for abuse and violence.

Definition of domestic violence.

Definition of abuse.

Definition of spouse?

Dispelling justification of domestic violence.

Discerning the difference between domestic violence and arrests.

Purpose of shelter services

Differentiate treatment approaches.

The five-week curriculum is outlined in class and includes:

1. Contract for personal goals.
2. Use of a time-out plan.
3. Understanding the cycle of violence.
4. Understanding the relationship between thinking, feelings, and behavior.
5. Paying attention to body warning signs.
6. Developing self control and conflict management skills.
7. Recognizing stress and it's relationship to expressive violence.
8. Identifying and improving communication skills.
9. Understanding conflict escalation and issue resolution.
10. Assertiveness information and social support systems evaluation.

Weekly handouts, self assessment tools, and homework are used extensively as part of the learning process and assist in the facilitation of weekly reviews so that each week's lesson builds upon the previous session's material.

The effectiveness of this program has not been statistically analyzed, however, the empirical observations of the author and

referral sources suggests a low incidence of recidivism. All of the clients who have participated in the group, no matter how reluctant they may have been in the beginning, report that they learned some important information and useful skills with practical applications.

During the final session, the facilitator assesses group feedback and offers appropriate referrals to those who may have asked for additional help (i.e., marriage and family counseling, men's group counseling, substance abuse treatment, etc). The participants also complete a written program evaluation and are then dismissed. Program certificates of completion are then forwarded to the DVDP counselor, who then evaluates each defendant's contract in order to determine if all requirements have been completed. The DVDP counselor then recommends to the County Attorney a motion for dismissal of the domestic violence charge. The charge is usually dismissed and the complaint quashed. If no other domestic violence incident occurs for the defendant within one year, the complaint is then removed from the record.

A separate system for juvenile domestic violence offenders is administered through the Pima County Juvenile Court. In Zazlaw's (1989) description of STOP ASSAULTIVE CHILDREN (SAC) PROGRAM, he underscores the effectiveness of the program in interfacing the "legal and clinical areas." Zazlaw emphasizes that "the legal and

therapeutic goals are the same - stopping the violence."

It is within this frame of reference that WCBC hinges its success and continues to evolve to address the increasing number of issues and needs of this community. Unmet service needs can be addressed by: Spanish-speaking counseling groups both for men and couples, women's anger control groups, shelter services for male victims, and more spousal and family participation in treatment services.

The challenges for law makers, police officers, judges and service providers will best be met with their cooperation and coordination as long as domestic violence continues to plague our society.

References

- Deschner, J. P. (1986). The Hitting Habit. Anger Control for Battering Couples.
- Gardner, J. & Clemmer, E. (1986). Danger to Police in Domestic Disturbances: A New Look. Research in Brief (Ed).
Washington, DC: National Institute of Justice.
- Harvey, D. R. (1990). Verbal Abuse During Men's Conflict Control Group.
- Medrano, L. (1987). Police awareness credited for rise in domestic violence arrests. Arizona Daily Star (Ed). (Available from Arizona Daily Star, 4850 S. Park Ave., Tucson, AZ , 85726).
- Neidig, P. H. (1985). Domestic Conflict Containment Program. (Work Book, Available from Behavioral Science Associates, Inc. P.O. Box 1485, Beaufort, SC 29901).
- Neidig, P. H., & Friedman, D. H. SPOUSE ABUSE: A TREATMENT PROGRAM FOR COUPLES. CHAMPAIGN, ILL.: RESEARCH PRESS, 1984.
- Straus, M. A., Gelles, R. J. & Steinmetz, S. K. Behind Closed Doors: Violence in the American Family. Garden City, NY.: Anchor Books, 1980.
- Zazlaw, J. G. (1989). Stop Assaultive Children: Project SAC Offers Hope for Violent Juveniles. Corrections Today, February, Ed.